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February 8, 2021

**VIA E-MAIL AND ECF**

Special Master Thomas P. Scrivo, Esq.  
 O'Toole Scrivo, LLC  
 14 Village Park Road  
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 tscrivo@oslaw.com

**RE: *Occidental Chemical Corp. v. 21st Century Fox America, Inc., et al.***  
**Docket No. 2:18-cv-11273-MCA-LDW**

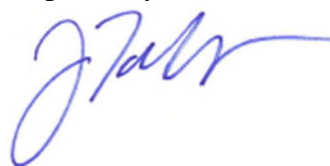
Dear Special Master Scrivo:

The SPG writes to briefly respond to the letter that OxyChem sent to your attention this past Friday, February 5 [ECF 1158]. In it, OxyChem requests that you enter the deposition protocol and set a third party joinder deadline in advance of the next status conference. OxyChem also suggests that, at the past status conference, you had “indicated that the parties should plan to schedule depositions after the joinder deadline is entered.”

OxyChem’s letter is a departure from the practice in this case of addressing issues like these in status conference agenda letters rather than one-off submissions. More importantly, OxyChem has not accurately characterized the discussion at the January 20th status conference. The SPG attaches the transcript of that conference for your review. As you can see, you told the parties that (1) the joinder deadline would be discussed at the February status conference after you had addressed the issue with the Magistrate Judge; and (2) depositions in the case should wait until after third parties were joined (i.e., not just after the deadline is set). Ex. A, 38:3-17.

The SPG will be prepared to discuss third party joinder issues at the upcoming status conference. Because of the interplay between the addition of third parties and the deposition protocol, the SPG believes the entry of the protocol also should wait until after the joinder discussion next week, as the addition of parties will necessarily impact the deposition schedule. Accordingly, the SPG respectfully requests that the Special Master take no action at this time on the requests in OxyChem’s February 5th letter.

Respectfully submitted,



Jeffrey Talbert

Attachment – Exhibit A, January 20, 2021 Status Conference Transcript Excerpt